

AUG 19 2019

PLANNING BOARD
GRAFTON, MA

Ralph Igoe (1900-1962)

Arthur L. Beaudette (1920-1982)



BERTHIAUME & BERTHIAUME

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August 15, 2019

Joseph Laydon, Town Planner
Grafton Planning Board
Grafton Municipal Center
30 Providence Road
Grafton, NIA 01519

RE: Determination of Completeness, Desrosiers Landing- Dendee Acres Subdivision
Waiver Request

Dear Mr. Laydon and Members of the Planning Board:

As you know, Charles Kady, Jr. ("Kady") is the developer of the single family residential subdivision known as Dendee Acres. After an initial meeting with the Board and then having an inspection made of portions of the roadway at Dendee Acres, the Board issued a Determination of Completeness for Desrosiers Landing ("Completed Roadway"). In an effort to comply with the requisite procedures necessary to seek street acceptance at the fall Town Meeting, Kady hereby formally requests the Planning Board waive the strict requirements of Section 3.3.13.3 (b) (18 month waiting period after Determination of Completeness) of its Subdivision Rules and Regulations. A grant of this waiver will allow the applicant to arrange for the required street inspections, and hold the necessary public hearings prior to the 2019 Fall Town Meeting. In that regard, Kady is requesting that you add this request for waiver to the agenda for your next regularly scheduled Planning Board meeting.

As grounds for the request, Kady states as follows:

1. Kady has complied with all Planning Board approvals and all relevant portions of the aforementioned Subdivision Rules and Regulations. Kady has submitted and has been granted a "Determination of Completeness" for the Completed Roadway. In addition, Kady has and will continue to properly maintain the Completed Roadway.
2. Kady maintained and continues to maintain proper safeguards to insure the integrity of all roads, ways, storm water management facilities and other improvements within the subdivision.

3. Kady has timely paid all review and consultant fees and has never been required to comply with a stop work order (or other sanction) from any of the many boards and committees exercising jurisdiction over Dendee Acres.
4. Kady has provided a description for the open space parcel have been transferred to the abutter.
5. Kady has submitted the required acceptance and as built plans for the Completed Roadway which I understand are being supplemented.

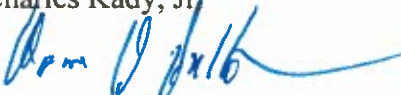
As you know, waivers are only issued by way of a majority vote of the Planning Board, and only when "in the judgment of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law" (Rules and Regulations Section 2.6).

It is Kady's opinion that this Board can make such a finding as to the issue of "public interest" in this case based upon Kady's performance and compliance with the requirements of the various Boards.. In doing so, the Board need only consider the needs of, and the benefit to, the home owners who presently live at Dendee Acres. The acceptance of this street at the next Town Meeting will provide a significant public benefit to these homeowners.

As to the issue of consistency with the Subdivision Control Law, there is no question that the Determination of Completeness provides assurance that the intent and purpose of the Subdivision Control Law (which is to ensure that proper layout of streets, ways and other improvements) is maintained.

For the reason set forth above, Kady hereby requests that the Planning Board grant a waiver from Section 3.3.13.3 (b) of the Subdivision Rules and Regulations thereby allowing the Kady the opportunity to seek Town Meeting approval at the 2019 Fall Town Meeting.

Respectfully submitted,
Charles Kady, Jr.


By his attorney,
Damien D. Berthiaume